

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL CASE NO. 3:07cv493

TROY LEE,

Plaintiff,

vs.

C. DOUGLAS SMITH,

Defendant.

ORDER

**THIS MATTER** is before the Court *sua sponte* to provide the Plaintiff with notice pursuant to Federal Rule of Civil Procedure 4(m).

On November 20, 2007, the Plaintiff filed a complaint but has not yet effected service on the Defendant. Rule 4(m) of the Federal Rules of Civil Procedure provides, in pertinent part, as follows:

If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m).

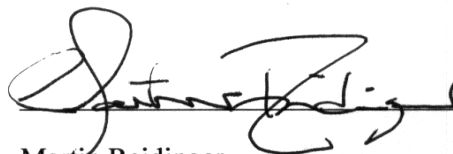
The Plaintiff is hereby placed on notice that unless good cause is shown to the Court for his failure to effect service of the summons and complaint on the Defendant within fifteen days from service of this Order, the Plaintiff's action against the Defendant shall be dismissed without prejudice without further order.

**IT IS, THEREFORE, ORDERED** that the Plaintiff shall show good cause within fifteen days of service of this Order for the failure to effect service on the Defendant within 120 days from the filing of the complaint; and

**IT IS FURTHER ORDERED** that failure of the Plaintiff to respond in writing within fifteen days shall result in a dismissal without prejudice of this action without further order of the Court.

**IT IS SO ORDERED.**

Signed: March 20, 2008

  
Martin Reidinger  
United States District Judge

